

Applicant : Swift et al.
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Attorney's Docket No.: 00565-073001

REMARKS

Claims 1-25 are pending. Claim 2-7 and 9-23 are withdrawn from consideration. Claim 1 is amended. Claims 24 and 25 are new. No new matter is added. The Examiner rejected claims 1 and 8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,401,999 ("Kephart"). The applicant respectfully traverses the rejections and requests reconsideration in view of the amendments and remarks herein.

Claim 1 recites a microscope including a base, a support arm, a head, an eyepiece, a stage and an illuminator. The head includes at least a first distal objective lens and a second distal objective lens, where only one of the lens is in optical communication with the eyepiece at a given time. The stage is releasably attached to the support arm and can be attached at multiple locations providing multiple working distances between a lower surface of the head and an upper surface of the stage. By including at least two distal objective lens and a stage releasably attached at multiple locations providing multiple working distances, both microscopic and macroscopic viewing can be provided. As described in the specification at paragraph [0002], microscopic viewing refers to viewing a microscopic specimen, *i.e.*, a specimen that is not visible by the naked eye, at relatively high magnification levels in a relatively small field of view. Macroscopic viewing refers to viewing a macroscopic specimen, *i.e.*, a specimen that is visible by the naked eye, at relatively low magnification levels in a relatively larger field of view.

The applicant respectfully submits the Examiner has failed to establish a *prima facie* case of obviousness, as Kephart does not disclose or suggest all of the limitations of claim 1. Kephart does not disclose a microscope that provides both microscopic and macroscopic viewing. By contrast, Kephart seems to teach away from this feature, as Kephart clearly states that the microscope disclosed is directed toward use by non-professionals, and children in particular. The purpose of the adjustable stage in Kephart is to accommodate specimens in a wide range of sizes, for example, worms to sizable rocks [Col. 1, lines 44-53], rather than to provide a wide range of working distances. Further, Kephart states that "professional" microscopes are used to "magnify infinitesimally small specimens such as microbes which are confined to a slide" [Col.

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1, lines 28-29], by contrast, the object of Kephart's invention is to provide a "nonprofessional microscope" [Col. 1, lines 50-51].

Accordingly, the applicant respectfully submits that claim 1 is allowable over Kephart. Claim 8 depends from claim 1 and is therefore allowable for at least the same reasons.

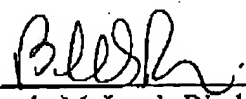
New claim 24 recites the microscope of claim 1, wherein microscopic viewing is provided at a plurality of magnification levels between approximately 50x and 200x with an approximate working distance of 5 millimeters. Kephart fails to disclose a microscope providing such microscopic viewing, while at the same time being able to provide macroscopic viewing.

New claim 25 recites the microscope of claim 1, wherein macroscopic viewing is provided at a plurality of magnification levels between approximately 5x and 40x with approximate working distances between 70 and 80 millimeters. Again, Kephart fails to disclose a microscope providing such macroscopic viewing, while at the same time being able to provide microscopic viewing. Accordingly, claims 24 and 25 are in condition for allowance.

Please deduct \$510 from Deposit Account No. 06-1050 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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